

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION**

**HAROLD KELLY MURPHY,**

**Plaintiff.**

**v.**

**SOUTHERN ENERGY HOMES, INC.,  
et al.,**

**Defendants.**

**Case No.: 2:06-cv-618-MEF**

**CONSENT MOTION TO AMEND  
INTERNAL DEADLINE IN SCHEDULING ORDER**

COMES NOW the Defendant, Southern Energy Homes, Inc. ("Southern"), with the consent of counsel for Harold Kelly Murphy ("Plaintiff"), and respectfully moves this Court to modify the internal deadline in its scheduling order for Southern's Rule 26 expert reports. As grounds for the motion, Southern submits the following:

1. This is a manufactured housing defect case set for trial on this Court's non-jury term beginning June 9, 2008. Southern is NOT seeking to continue the current trial date.
2. The discovery cutoff under the current Scheduling Order is January 21, 2008. Southern is NOT seeking to continue the discovery cutoff.
3. However, according to the current Scheduling Order, Southern must file its Rule 26 expert reports by December 15, 2007.
4. Plaintiff's experts have been out of town and unavailable for deposition. Their depositions are currently scheduled for Thursday, December 13, 2007, and Friday, December 14, 2007.

5. In order for Southern's experts to have the opportunity to review Plaintiff's expert depositions before completing their own expert reports, Southern requests that this Court amend the scheduling order to extend by fourteen (14) days the deadline for Southern's Rule 26 expert reports.

6. Counsel for Plaintiff has agreed to this extension.

7. As mentioned above, this extension will not delay the trial of this case or the discovery cutoff.

WHEREFORE, PREMISES CONSIDERED, Southern respectfully requests that the Court extend Southern's expert report deadline from December 15th until December 29th.

/s/Thomas W. Thagard III

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 10, 2007 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/Thomas W. Thagard III

Of Counsel